

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC; MARTIN
AFFILIATED, LLC,
Plaintiffs,

vs.

SPOTIFY USA INC.; THE HARRY
FOX AGENCY LLC,
Defendants.

vs.

KOBALT MUSIC PUBLISHING AMERICA,
INC.,
Third-Party Defendant.

Case No. 3:19-cv-00736

District Judge Aleta A. Trauger

JURY DEMAND

**JOINT MOTION FOR ENTRY OF TWELFTH AMENDED
PROPOSED INITIAL CASE MANAGEMENT ORDER**

Pursuant to LR 16.01 and the Court’s March 3, 2023 Order (Doc. 285), Plaintiffs Eight Mile Style, LLC and Martin Affiliated, LLC, Defendants Spotify USA Inc. and The Harry Fox Agency LLC, and Third-Party Defendant Kobalt Music Publishing America, Inc. (collectively, the “Parties”) jointly request that the Court enter the proposed Twelfth Amended Proposed Initial Case Management Order (Doc. 284). If adopted, the Twelfth Amended Proposed Initial Case Management Order would extend (1) the deadline by which to conclude the depositions of experts, and (2) the deadlines for submission of dispositive motions and related briefing.

Under the currently operative Eleventh Amended Initial Case Management Order (Doc. 261), the submission of expert reports concluded on November 23, 2022, and expert depositions were scheduled to conclude by January 30, 2023. The Parties jointly propose that the deadline be extended to May 31, 2023, to permit adequate time within which to schedule and complete such depositions. In total, 12 experts have submitted 31 reports (including 10 opening reports, 12 rebuttal

reports, and nine replies) in this Action, which involves a voluminous documentary and testimonial record comprised of more than 2.5 million pages of document productions and 30 fact witness depositions, many spanning multiple days. Additional time is necessary in order to prepare for expert depositions, and to schedule such depositions on dates that work not only with the schedules of the various experts, but also with each of the four Parties' representatives and counsel. The Parties' counsel have been, and will continue, working cooperatively and in good faith to identify workable deposition dates, and expect to be able to complete expert depositions by the new proposed deadline of May 31, 2023. In service of that goal, the Parties have agreed to complete each expert's deposition in a single day absent significant unforeseen extenuating circumstances.

The Parties further propose that the deadline for initial dispositive motions be extended to October 13, 2023 (with subsequent dispositive motion briefing deadlines extended correspondingly). The length of time between the conclusion of expert discovery and the submission of dispositive motions is longer than set forth in the Eleventh Initial Case Management Order, in part, because of a request by The Harry Fox Agency ("HFA") for additional time beyond the initial proposed extended deadline. HFA has requested the additional extension due to a serious family medical issue that prevents HFA's principal corporate representative in this Action from attending to dispositive motions during a substantial portion of the summer.

Plaintiffs originally proposed that initial summary judgment motions be filed on July 31, 2023, two months after the conclusion of expert depositions. HFA requested to all Parties, first on a conference call, and later to Plaintiffs' counsel as the discussions about the extension deadlines progressed, for an extension of the deadline into early October. HFA advised, and maintains, that the reason for the request for additional time beyond the initially proposed deadline of July 31, 2023 was due to the aforementioned serious family medical issue of its corporate representative. Plaintiffs were very concerned about delaying this matter that long, and therefore proposed a compromise date of August 31, 2023. HFA's counsel conveyed to Plaintiffs' counsel that HFA would very much appreciate if Plaintiffs could agree to the accommodation to extend the deadline as requested, or even into late September. Ultimately, Plaintiffs' counsel agreed based upon HFA's counsel's representations, and proposed October 9 for the extension deadline as Plaintiffs' counsel is in trial

in the Northern District of California in late September. As October 9 is a federal holiday, HFA's counsel suggested the Friday of that week instead, October 13. Plaintiffs ultimately agreed to accommodate HFA's request.

For the foregoing reasons, the Parties jointly request that the Court enter the Twelfth Amended Proposed Initial Case Management Order.

Respectfully Submitted,

Dated: March 10, 2023

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